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MAR 25 2005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:  
Chandler et al.

Serial No. 09/662,790

Filed: September 15, 2000

For: CREATION OF A DATABASE OF  
BIOCHEMICAL DATA AND  
METHODS OF USE§  
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§Group Art Unit: 1631  
Examiner: Lori A. Clow

Atty. Docket No. 5868-02801

I hereby certify that this correspondence is being  
transmitted via facsimile or deposited with the U.S. Postal  
Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313, on the date indicated below:

3.25.05

Date

Pamela Gerik

Pamela Gerik

**PETITION UNDER 37 C.F.R. §1.47(a)**

MS: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir/Madam:

Enclosed herewith are the following:

- Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor under 37 C.F.R. § 1.47(a) with attachments;

Please address all correspondence in connection with this application to: **Customer No. 35617**

The Commissioner is authorized to charge the required fees to Daffer McDaniel, LLP Deposit  
Account No. 50-3268/5868-02801.

Respectfully submitted,



Ann Marie Mewherter  
Reg. No. 50,484  
Agent for Applicants

Daffer McDaniel, LLP  
P. O. Box 684908  
Austin, Texas 78768-4908  
Ph: (512) 476-1400

Date: \_\_\_\_\_

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**STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47(a)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir/Madam:

This statement is as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration under 37 C.F.R. § 1.131 by the non-signing inventor, Mark Chandler, for the above-identified patent application.

This statement is being made by the undersigned, having first-hand knowledge of the facts recited herein.

I, Ann Marie Mewherter, do hereby declare that:

1. I am a registered patent agent commissioned on behalf of Luminex Corporation to prosecute the captioned matter before the U.S. Patent & Trademark Office.
2. Mark Chandler is a co-inventor of the captioned patent application.
3. I was commissioned to prepare a response to an Office Action Mailed December 28, 2004.
4. In order to prepare a complete response, a corrected Declaration was needed since the previous Declaration signed by Mark Chandler and filed in the case was not dated.

5. The new Declaration was forwarded to Mark Chandler via certified mail, return receipt requested. Attached is a copy of the letter and return receipt.
6. Despite receiving the documents, Mark Chandler refuses to sign the corrected Declaration.
7. Mark Chandler is no longer employed by the assignee, Luminex Corporation.
8. The last known address of Mark Chandler is 4 Niles Road, Austin, Texas 78703.

Respectfully submitted,



Ann Marie Mewherter  
Reg. No. 50,484  
Agent for Applicants

Daffer McDaniel, LLP  
P.O. Box 684908  
Austin, Texas 78768-4908  
512/476-1400

Date: \_\_\_\_\_